

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of October Two Thousand Seventeen
PRESENT

The Hon`ble Mr Justice P. N. PRAKASH
CRIMINAL ORIGINAL PETITION No.20940 of 2017

1 ELANTHAMIZHAN [PETITIONERS / ACCUSED]
2 BASKAR
3 ARJUNAN
4 MAHESWARAN @ NARENDRAN
5 SELVAM
6 SERANKULAM THAMBI @ GUNASEKARAN
7 ANNADURAI
8 JAYAKUMAR @ SIMBONI RAJA

Vs

STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.
CR.NO.660 OF 2017.

For Petitioner : MR.JOHN SATHYAN Advocate for
M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR. K.MATHAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

This is the second anticipatory bail petition and the earlier petition in Crl. O.P. No.19159/17 was dismissed by this Court on 19.8.17.

2. Mr.John Sathyan, learned counsel appearing for the petitioners submitted that the petitioners belong to one faction of AIADMK and on account of political rivalry, a false case has been foisted against them.

3. Be that as it may. On a reading of the FIR, it is seen that a complaint has been given by Ms.Lakshmi Prabha, Special Tahsildar, who, in her complaint, had stated that when she went to the cable TV unit of Raja Gowthaman for inspection, she was prevented by Elantamizhan and his group, who physically pushed her.

4. Mr.John Sathyan, learned counsel for the petitioners submitted that the co-accused by name P.G.Bharathi was arrested by the police and released on bail and that Elantamizhan is 60 years

old and, therefore, bail may be granted to the petitioners.

5. Taking into consideration the serious nature of offence found in the FIR, this Court is not inclined to grant anticipatory bail to petitioners 1, 2 and 3 and accordingly, the anticipatory bail petition insofar as petitioners 1 to 3 stand dismissed. As regards petitioner Nos.4, 5, 6, 7 and 8, it is seen that the allegations are not very serious in nature and, therefore, this Court is inclined to grant anticipatory bail to petitioners 4 to 8.

6. Accordingly, the petitioners 4 to 8 are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Mannargudi, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Mannargudi, and on further condition that:

(a) the petitioners 4 to 8 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioners shall report before the learned Judicial Magistrate No.I, Mannargudi, daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners shall not abscond either during investigation or trial.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner/petitioner(s) in accordance with law as if the conditions have been imposed and the petitioner/petitioner(s) released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji - Vs - State of Kerala [(2005)AIR SCW 5560]***.

(f) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Petition dismissed insofar as petitioner Nos.1 to 3.

-sd/-
24/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TOWN POLICE STATION,
THIRUVARUR DISTRICT.

+1CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges SR NO.19793

CRL OP.20940/2017

Date :24/10/2017

MK:25/10/2017